

REMARKS

This is in response to the non-final Office Action dated April 19, 2007.

The Examiner rejects pending claims 1, 2, 4 through 18 and 25 as being directed to non-statutory subject matter under 35 U.S.C. 101. The Examiner further rejects pending claims 1, 2, 4, 8 through 11, 13 through 16, 18 through 21, 23 and 25 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2005/0071255 to Wang, et al. ("Wang") in view of U.S. Patent Publication No. 2005/0080772 to Bem ("Bem"). Finally, the Examiner rejects pending claims 5 through 7, 12, 17, 22 and 24 under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Bem and in further view U.S. Patent No. 6,640,218 to Golding, et al. ("Golding"). For at least the reasons stated below, Applicant submits the claims are in condition for allowance and patentable over the prior art of record. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections in light of the remarks below.

In support of the rejection 35 U.S.C. 101, the Examiner asserts that the claimed subject does not provide a practical application because it does not produce a useful, tangible and concrete result, and therefore fails to achieve the required status of having real world value. By way of the present amendment, Applicant hereby amends independent claims 1, 19 and 25 and cancels claim 17. Applicant asserts that these amendments are supported by the specification as originally filed and do not introduce any new matter. Accordingly, entry is respectfully requested regarding the same. Because claims 2, 4 through 16, 18 and 20 through 24 depend from, and therefore include all of the elements of claims 1 and 19, respectively, it is respectfully submitted that these claims are also allowable for at least the same reasons. In view of the foregoing,

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 2, 4 through 18 and 25 under 35 U.S.C. 101.

Regarding the rejection of the independent claims under 35 U.S.C. 103(a), Applicant respectfully disagrees with the Examiner and asserts that the combination of Wang and Bem fails to teach or suggest the elements of independent claims 1, 19 and 25. Independent claim 1, as amended, comprises a method of scoring data for use in a search engine. According to independent claim 1, the method comprises tracking clicks by users on data returned in a search result in response to a query. A user preference for clicked data is determined in accordance with a physical position of the clicked data in the search result, wherein determining a user preference for the clicked data is performed by calculating the quotient of actual clicks and clicks expected for the clicked data and a specific query. The determined user preference is used to determine rankings for display of future search results. Independent claims 19 and 25 are directed to a system and a computer program product that comprise substantially similar elements to of independent claim 1.

The independent claims, as amended, each comprise the element of “wherein determining a user preference for the clicked data is performed by calculating the quotient of actual clicks and clicks expected for the clicked data and a specific query.” Bem discusses “that an ad score may be determined or adjusted using a score adjustment parameter.” (Bem, paragraph 79, lines 1-2). Bem further discusses that the “score adjustment parameter may be a multiplier (referred to as a ‘rewrite multiplier’ . . .” (Bem, paragraph 79, lines 1-3). Specifically, the rewrite multiplier of Bem is adjusted through use of the following equation:

$$\text{new_multiplier} = \frac{N \cdot \text{initial_multiplier} + \text{observed_clicks}}{N + \text{naively_predicted_clicks}}$$

(Bem, paragraph 79, lines 26-28).


On the basis of the foregoing, Bem teaches away from the elements of the pending independent claims, including “calculating the quotient of actual clicks and clicks expected for the clicked data and a specific query,” by the utilization of a score adjustment parameter which is based on a series of rewrite multipliers, rather than the direct quotient of the actual clicks and expected clicks. Furthermore, Bem discusses that the score adjustment parameter is adjusted to equate to the ratio of observed clicks to naively predicated clicks without use of a rewrite multiplier only when “the number of observed_clicks and impressions get large.” (Bem, paragraph 81, lines 11-15). Therefore, contrary to the Examiner’s assertion, Bem does not teach or suggest “wherein determining a user preference for the clicked data is performed by calculating the quotient of actual clicks to clicks expected for the clicked data and a specific query.” Applicant therefore respectfully requests withdrawal of the rejection of independent claims 1, 19 and 25 and allowance of the same.

The dependent claims of the present application contain additional features that further substantially distinguish the invention of the present application over the prior art of record. Given the Applicant’s position on the patentability of the independent claims, however, it is not deemed necessary at this point to delineate such distinctions.

For at least all of the above reasons, Applicants respectfully request that the Examiner withdraw all rejections and objections, and allowance of all the pending

claims is respectfully solicited. To expedite prosecution of this application to allowance, the examiner is invited to call the Applicants' undersigned representative to discuss any issues relating to this application.

Respectfully submitted,



Dated: October 19, 2007

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE PATENT AND
TRADEMARK OFFICE EFS FILING
SYSTEM ON October 19, 2007.

Timothy J. Bechen
Reg. No. 48,126
DREIER LLP
499 Park Avenue
New York, New York 10022
Tel : (212) 328-6100
Fax: (212) 328-6101

Customer Number: 61834